

**DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION**

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HELENA, MONTANA 59620-1601**DECISION MEMO
CATEGORICAL EXCLUSION**

East Flynn Canal Rehabilitation – Phase II
Spring 2022
Alfalfa Valley Irrigation District
Township 33N, Range 20E, Section 29
Blaine County

PURPOSE AND NEED

Alfalfa Valley Irrigation District (hereon, AVID) proposes to improve and rehabilitate the East Flynn Canal. This project would involve the reshaping and regrading of approximately 1,760 feet of the East Flynn Canal followed by installation of a geomembrane liner. The East Flynn Canal is in the Milk River Basin approximately four miles east of Chinook, MT to the south of Battle Creek in Township 33N, Range 20E, Section 29. The latitude and longitude for the beginning of the East Flynn Canal is 48° 35' 38.10" N and 109° 08' 13.91" W, respectively. The latitude and longitude for the end of the East Flynn Canal is 48° 35' 39.42" N and 109° 07' 49.76" W, respectively. The anticipated construction date of the East Flynn Canal Rehabilitation Project is Spring 2022.

The existing irrigation system was designed to follow the natural topography of the land. The landscape is generally flat farmland consisting of silty, loamy soils with high permeability that are susceptible to significant seepage loss. With the open canals and laterals that are present in the existing system, much of the conveyed irrigation water is lost to seepage because of these highly permeable soils. Along with the issue of seepage, significant vegetation growth and erosion has added to the poor condition of the current system. Vegetative overgrowth along portions of the canal banks only further exacerbate seepage and conveyance loss within the delivery system. Implementation of the proposed improvements would eliminate seepage losses, minimize conveyance losses, improvement management of the water resource, and preserve water quality in the Milk River.

The primary objective is to conserve water and to improve system and on-farm efficiencies. The proposed project will allow the AVID to achieve the following objectives:

- Conserve up to 114-acre-feet of water each year to increase instream flows in the Milk River
- Improve water resource management through improved conveyance efficiencies to optimize crop production
- Preserve the water quality of the Milk River by eliminating sediment that is discharged back into the river from the canal.

Explanation of the decision(s) that must be made regarding the proposed action:

DNRC will approve the grant to provide funding for the AVID East Flynn Canal Rehabilitation – Phase II Project.

DNRC is not required to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) for actions that qualify for a CATEGORICAL EXCLUSION (ARM 36.17.614) or justified by a PROGRAMMATIC REVIEW; or are ACTIONS OF A SPECIAL NATURE (ARM 36.2.523(5)); or are EMERGENCIES (ARM 36.2.539). These actions are subject to review for EXTRAORDINARY CIRCUMSTANCES that would require an EA or an EIS.

ACTIONS OF SPECIAL NATURE (ARM 36.2.523)

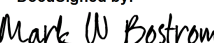
- ☐ Administrative actions: routine, clerical or similar functions of a department, including but not limited to administrative procurement, contracts for consulting services, and personnel actions.
- ☐ Minor repairs, operations, or maintenance of existing equipment or facilities.
- ☐ Investigation and enforcement: data collection, inspection of facilities or enforcement of environmental standards.
- ☐ Ministerial actions: actions in which the agency exercises no discretion, but rather acts upon a given state of facts in a prescribed manner.
- ☐ Actions that are primarily social or economic in nature and that do not otherwise affect the human environment.

CATEGORICAL EXCLUSION/PROGRAMMATIC REVIEW

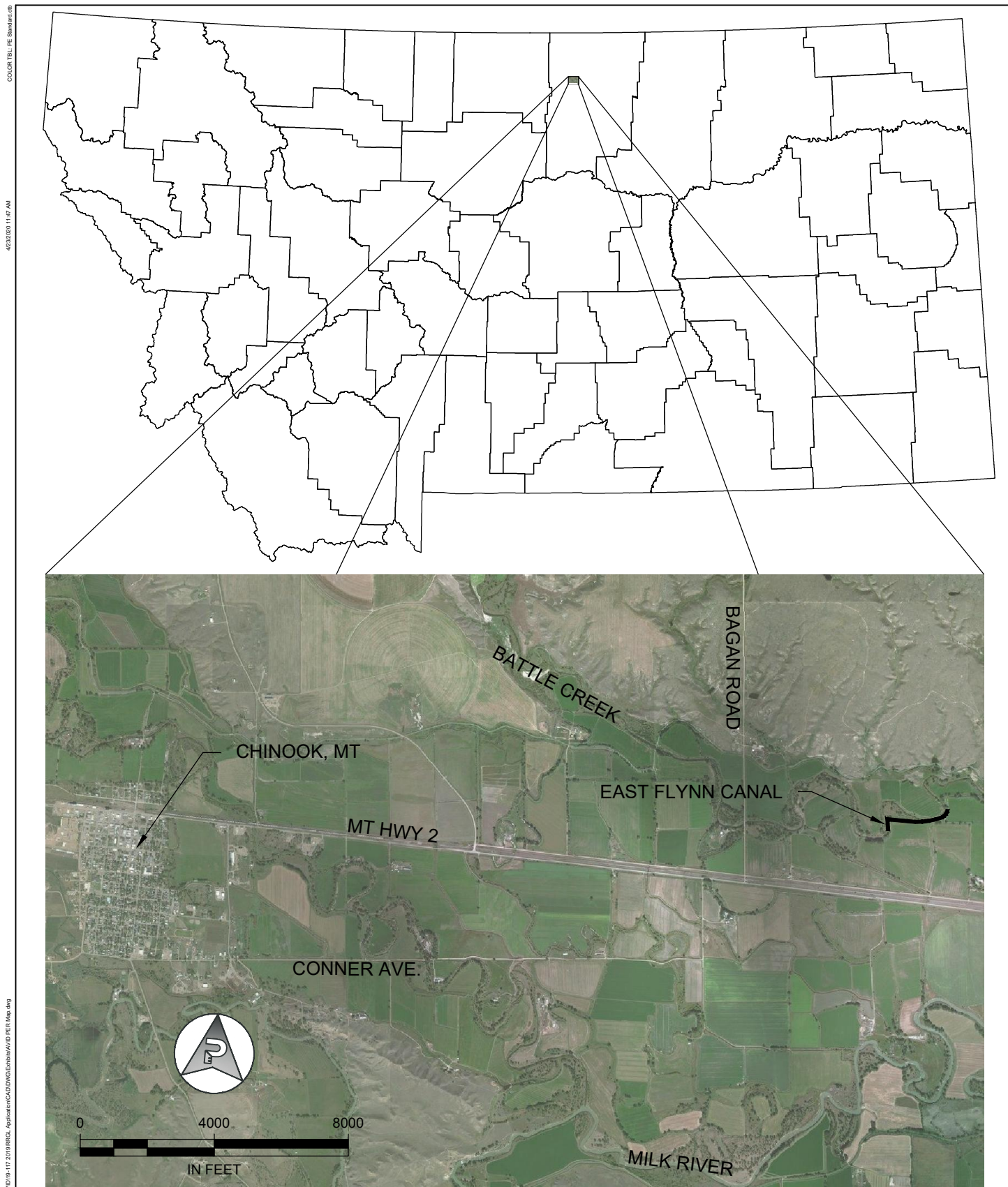
- ☒ Categorical Exclusion (CE) refers to a type of action which does not individually, collectively, or cumulatively require an EA or EIS, as determined by rulemaking or programmatic review adopted by the agency, unless extraordinary circumstances, as defined by rulemaking or programmatic review, occur. This project qualifies under ARM 36.17.614 CATEGORICAL EXCLUSIONS.
- ☐ Programmatic review means an analysis (EIS or EA) of the impacts on the quality of the human environment of related actions, programs, or policies. DNRC – CARDD does not have any programmatic reviews completed at the time of this template.

The project listed above meets the definition of Actions of a Special Nature, Categorical Exclusion or Programmatic Review including specified conditions and Extraordinary Circumstances. Included below is a supplemental checklist verifying the use of the Categorical Exclusion.

Prepared By:	Name: Demitra Blythe Title: CARD Division MEPA Coordinator Email: Demitra.Blythe@mt.gov Date: 12/30/2021
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Approved By:	Name: Mark Bostrom Title: CARD Division Administrator
Signature:	DocuSigned by:  Date: 1/5/2022 10:26:11 AM MST

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PROJECT TITLE

**EAST FLYNN CANAL
REHABILITATION - PHASE II**

SHEET TITLE

PROJECT AREA MAP

DRAWN BY

APN

DATE

APR-20

CHECKED BY

KMS

CLIENT

**ALFAFA VALLEY
IRRIGATION DISTRICT**

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**EXHIBIT
EX 1**

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DNRC CARDD DOCUMENTATION OF CATEGORICAL EXCLUSION DETERMINATION CHECKLIST

Project Name: East Flynn Canal Rehabilitation – Phase II

Brief Description: Design and construction of a canal rehabilitation project on the East Flynn Canal.

Agreement Number: RRG-22-1830

Date: 12/30/2021

Preparer: Demi Blythe – CARD Division MEPA/NEPA Coordinator

The Department of Natural Resources and Conservation action under 36.17.614, is excluded from the requirement to prepare an environmental assessment (EA) or environmental impact statement (EIS) if the application for department review is for any of the following projects:

(a) Projects relating to existing infrastructure systems such as sewer and septic systems, drinking water supply systems, and stormwater systems, including combined sewer overflow systems, dams, culverts, headgates, canal lining, siphons, pipelines, pump sites, lift stations, irrigation infrastructure, that involve:
[Answer yes or no. If all answers “no”, an EA or EIS must be completed. If any answer is yes, skip to (b).]

1. Yes - Minor upgrading; or
2. No - Minor expansion of system capacity; or
3. Yes - Rehabilitation (including functional replacement) of the existing system and system components; or
4. Yes - Construction of new minor ancillary facilities adjacent to or on the same property as existing facilities; or
5. No - Projects in unsewered communities involving the replacement of existing on-site systems, provided that the new on-site systems do not result in substantial increases in the volume of discharges or in loadings of pollutants from existing sources, and do not relocate existing discharges; or
6. No - Use of sampling and monitoring wells to test for the presence of contaminants such as, but not limited to, metals and petroleum; or
7. No - Activities that do not involve or lead directly to construction, such as planning studies, scientific research and analysis, surveys, or engineering.

(b) A categorical exclusion may NOT be granted for a department action if:
[Answer yes or no. If all answers “no”, skip to (c). If any answer is yes, an EA or EIS must be completed.]

1. No - The action would authorize facilities that will provide a new discharge or relocate an existing discharge to ground or surface waters;
2. No - The action would result in an increase above permit levels established for the facility under the Montana pollutant discharge elimination system or Montana ground water pollution control system for either volume of discharge or loading rate of pollutants to receiving waters;
3. No - The action would authorize facilities that will provide capacity to serve a population at least 30% greater than the existing population;
4. No - The action is not supported by the state, or other regional growth plan or strategy;
5. No - The action directly or indirectly involves or relates to upgrading or extending infrastructure systems primarily for the purposes of future development;
6. No - The department has received information indicating that public controversy exists over the project's potential effects on the quality of the human environment;
7. No - The department determines that the proposed project that is the subject of the state action shows some potential for causing a significant effect on the quality of the human environment, based on ARM 36.2.524, or might possibly affect:
 - (i) sensitive environmental or cultural resource areas; or
 - (ii) endangered or threatened species and their critical habitats.

(c) If the proposed project meets the conditions above in determining use of a CATEX, the

reviewer will then complete items below as follows:

[Once all steps are complete, reviewer shall sign and date at bottom. If revocation becomes necessary, reviewer shall initiate an EA or EIS as appropriate.]

1. Yes - Project meets the above Categorical Exclusion criteria.
2. Yes - DNRC determination of Categorical Exclusion.
3. Yes - DNRC distributes the Notice of Determination.
4. Yes - Notice of Publication and cover letter (containing revocation language below) is delivered to recipient.
5. NA - Notice of Publication published in local newspaper by recipient and evidence of publication provided to reviewer.

(d) The department may revoke a categorical exclusion if:

[Only complete the steps below if revocation of a previously implemented CATEX becomes necessary.]

1. Choose an item. - The project is not initiated within the time period specified in the facility plan, or a new or modified application is submitted;
2. Choose an item. - The proposed action no longer meets the requirements for a categorical exclusion because of changes in the proposed action;
3. Choose an item. - New evidence demonstrates that serious local or environmental issues exist; or
4. Choose an item. - State, local, tribal, or federal laws may be violated.

Demi Blythe

DNRC CARD Division STATE PREPARER

Mark Bostrom - Administrator

DNRC CARD Division STATE REVIEWER

12/30/2021

COMPLETION DATE